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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
APPROXIMATELY \$104,994 IN UNITED)
STATES CURRENCY,)
)
Defendant.)

No. 08-02331 JL

SETTLEMENT AGREEMENT

STIPULATION FOR WITHDRAWAL OF CLAIM AND CONSENT
TO ENTRY OF FINAL JUDGMENT AND DECREE OF FORFEITURE

Plaintiff United States of America and Claimant Todd Donald Dunphy hereby stipulate
and agree as follows:

RECITALS

1. On March May 6, 2008, the United States filed a forfeiture complaint against
\$104,994 in United States currency that had been seized from Todd Dunphy at the San Francisco
International Airport. (hereinafter referred to as the "defendant property").

1 2. The Complaint alleged that the defendant property is subject to forfeiture pursuant
2 to the following forfeiture statutes: 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981(a)(1)(C).

3 3. The defendant property was seized from Todd Dunphy in connection with joint
4 investigation into the suspected drug trafficking activities of Todd Dunphy and others conducted
5 by the Drug Enforcement Administration ("DEA") and the United States Immigration and
6 Customs Enforcement ("ICE"). As a result of the investigation, a federal indictment alleging
7 drug and currency structuring violations, and containing criminal forfeiture allegations, was
8 returned against Todd Dunphy and others on September 9, 2009. *See United States v. Todd*
9 *Donald Dunphy, et al.*, Cr. No. 09-00370 SOM (hereinafter the "Criminal Case").

10 4. The defendant property was arrested by the United States Marshals Service on
11 March 16, 2009.

12 5. On May 8, 2008, copies of the Notice of Civil Complaint for Forfeiture,
13 Complaint for Forfeiture, Warrant of Arrest in Rem, and Order Setting Case Management
14 Conference were sent to Todd Donald Dunphy, in care of his attorney, David M. Michael, Esq.,
15 via certified mail, return receipt requested.

16 6. On June 19, 2008, a verified claim was filed on behalf of Todd Donald Dunphy.
17 No answer has been filed.

18 7. Other than the claim asserted by Claimant Todd Donald Dunphy, no other claims
19 or answers were received or filed.

20 8. Claimant Todd Donald Dunphy hereby represents that he is the sole legal owner
21 of the defendant property.

22 9. On September 27, 2010, Claimant Todd Donald Dunphy entered into a
23 Memorandum of Plea Agreement in the Criminal Case, whereby, among other things, he agreed
24 to voluntarily forfeit to the United States all of his right, title and interest in the defendant
25 property.

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28 ///

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TERMS AND CONDITIONS OF STIPULATION

10. Claimant Todd Donald Dunphy hereby withdraws the verified claim filed herein by or on his behalf and waives his right to a judicial adjudication of his right, title and interest in the defendant property.

11. Claimant Todd Donald Dunphy hereby consents and agrees to forfeit all of his right, title and interest in the defendant property to the United States pursuant to 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981(a)(1)(C).

12. Claimant Todd Donald Dunphy hereby consents and agrees to the entry of a Final Judgment and Decree of Forfeiture in the form attached hereto as Exhibit "A".

13. Claimant Todd Donald Dunphy hereby acknowledges and agrees that the United States Marshals Service is authorized to dispose of the defendant property in accordance with law.

14. The parties agree to prepare and execute all documents necessary to implement the terms of this Stipulation.

15. Claimant Todd Donald Dunphy hereby fully and finally releases, dismisses, and forever discharges the United States, the City and County of San Francisco, and their respective agencies, officers, agents, and employees, from any and all claims, causes of action, liens, lawsuits, liabilities, losses and damages, including attorney's fees, costs and expenses, of any kind and every nature whatsoever, regardless of legal theory, and however denominated, whether known or unknown, suspected or unsuspected, past or future, which Claimant Todd Donald Dunphy has asserted or could have asserted against the United States, the City and County of San Francisco, and their respective agencies, officers, agents, and employees, relating to or arising out of the facts set out in the Complaint, the Criminal Action, the seizure, arrest, detention, and/or forfeiture of the defendant property and/or this Stipulation.

16. The parties each agree to bear their own costs, expenses, and attorney's fees incurred in connection with this civil action, the Criminal Action, the seizure, arrest, detention, and forfeiture of the defendant property, and the preparation and performance of this Stipulation.

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SETTLEMENT AGREEMENT

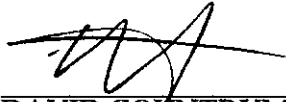
No. 08-02331 JL

17. This Stipulation may be signed in counterparts.

Dated:

1/13/11

MELINDA HAAG
United States Attorney
Northern District of California



DAVID COUNTRYMAN
Assistant United States Attorney

Dated:

1/8/11



TODD DUNPHY
Claimant

Dated:

1-11-11



DAVID M. MICHAEL, ESQ.
Attorney for Todd Dunphy

BASED ON THE FOREGOING STIPULATION, IT IS SO ORDERED ON THIS _____
DAY OF ^{14th} January, 20 ¹¹.



HONORABLE JAMES LARSON
United States Magistrate Judge

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**FINAL JUDGMENT AND DECREE OF
FORFEITURE**

UPON CONSIDERATION of the Settlement Agreement, the entire record, and for good cause shown, it is by the Court on this 14th day of January, 2011,

ORDERED, ADJUDGED AND DECREED that defendant \$104,994 be, and hereby is, FORFEITED to the United States for disposition by the Attorney General in accordance with law; and it is FURTHER ORDERED that the instant case be, and hereby is, DISMISSED.


HONORABLE JAMES LARSON
United States Magistrate Judge